

## Message Text

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ACTION NEA-10

INFO OCT-01 EUR-12 ISO-00 EB-07 /030 W  
----- 007971 /15

P R 150800Z DEC 76  
FM AMEMBASSY DACCA  
TO USDOC WASHDC PRIORITY  
INFO SECSTATE WASHDC 2967  
AMEMBASSY ATHENS  
AMEMBASSY DAMASCUS

UNCLAS DACCA 6322

E.O. 11652: N/A  
TAGS : BDIS, BG, SY  
SUBJECT : MISADVENTURES OF JAMES COMYNS (CONTINUED)

REF : (A) DAMASCUS 8347, (B) USDOC 21174, (C) USDOC 21226,  
(D) DACCA 5530

1. ECON/COMMERCIAL OFFICER DISCUSSED REFTELS DECEMBER  
13 WITH SYED, MARKETING MANAGER, BANGLADESH JUTE MILLS  
CORPORATION (BJMC); THOMAS GARRITY, EMERALD INDUSTRIES;  
AND SOHAIL RAHMAN, BEXIMCO (BANGLADESH REPRESENTATIVE  
OF ANDRE CIE.).

2. ACCORDING GARRITY, ENTIRE CARGO OFFLOADED FROM MV ERINE  
PATERA AT PIRAEUS AND A.K. CHOWDHURY, GENERAL MANAGER,  
SAMUDRAJATRA (SHIPPING AGENT FOR GEMINI) IS FLYING TO  
GREECE DECEMBER 14, AT GARRITY'S EXPENSE, TO ATTEMPT  
OBTAIN CLEAR TITLE TO CARGO AND ARRANGE ONWARD SHIPPING  
TO TARTOUS, SYRIA, AND PORT SUDAN. COST OF ONWARD SHIP-  
PING WOULD BE BORNE BY ERINE PATERA'S OWNER DIRPHYS MARINE  
S.A. (OF GREECE), TO WHICH COMYNS PAID CHARTER COSTS IN  
FULL AT TIME ERINE PATERA CHARTERED.

3. ACCORDING GARRITY, COMYNS ON SEPTEMBER 20, 1976 (BE-  
FORE ERINE PATERA SAILED FROM CHITTAGONG) ATTEMPTED TO  
SELL TO SYRIA SOME TARPAULINS. SUCH GOODS, MADE FROM IM-  
PORTED COMPONENTS (CANVAS AND CHEMICALS) ARE NOT GENERALLY  
EXPORTED FROM BANGLADESH, AND WERE PERHAPS TO HAVE BEEN  
BOUGHT IN PAKISTAN. (NOTE: IT IS IN FACT POSSIBLE TO BUY  
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TARPAULINS FOR EXPORT FROM BANGLADESH.) COMYNS CLAIMED

TARPAULINS WERE SHIPPED FROM BANGLADESH. GARRITY SAYS  
COMYNS USED AT LEAST TWO PRESUMABLY FORGED DOCUMENTS IN  
ORDER OBTAIN SIGHT L/C FROM SYRIAN GOVERNMENT AGAINST  
SIGNED CONTRACT TO SUPPLY TARPAULINS, VIZ:

A. INSPECTION CERTIFICATE FROM SUPERINTENDENCE CO.  
(BANGLADESH) STATING TARPAULINS INSPECTED AND SHIPPED ON  
ERINE PATERA (SUPERINTENDENCE CO. CLAIMS THERE WERE NO RPT  
NO TARPAULINS LOADED ON ANY VESSEL INSPECTED BY THEM); AND

B. BILL OF LADING ISSUED BY SAMUDRAJATRA'S AGENT IN  
CHALNA.

4. ACCORDING RAHMAN, ANDRE CIE'S MARINE LAWYERS QUOTE  
ARRESTED END QUOTE ERINE PATERA AT PIRAEUS, OBTAINED THEIR  
PORTION CARGO DESTINED PORT SUDAN AND ARRANGED TRANS-  
SHIPMENT ON MV ZAGURA, AT PRESENT ENROUTE PORT SUDAN.

5. ACCORDING GARRITY, AFTER ERINE PATERA ARRIVED PIRAEUS.  
COMYNS ATTEMPTED SELL BALANCE (ALL BUT ANDRE  
CIE. SHIPMENT) CARGO DESTINED PORT SUDAN TO NIRMAL  
SETHIA, CHAIRMAN OF SETHIA LONDON LTD. AT ABOUT ONE-  
THIRD OF MARKET PRICE. TO DO THIS, COMYNS AGAIN APPARENTLY  
USED FORGED DOCUMENTS, INCLUDING:

A. SELLERS' INVOICE ON EMERALD STATIONERY;

B. MILL SPECIFICATIONS/INVOICE FROM PLATINUM  
JUBILEE JUTE MILLS;

C. CERTIFICATE OF ORIGIN.

6. ACCORDING SYED, BJMC, ON DECEMBER 9, NIRMAL SETHIA  
IN DACCA TOLD BJMC THAT COMYNS HAD SOLD SETHIA THE BAL-  
ANCE OF THE SUDAN-DESTINED CARGO, INCLUDING THE BJMC  
PORTION, AT PRICES ROUGHLY ONE-THIRD OF MARKET VALUE.  
SETHIA PAID COMYNS WITH L/C DRAWN BY STATE BANK OF INDIA  
ON CHASE MANHATTAN, NEW YORK (INTERNATIONAL L/C DE-  
PARTMENT: VICE PRESIDENT BENEDICTUS). COMYNS CASHED  
L/C, BUT SETHIA, WHEN INFORMED IN DACCA THAT CARGO DID  
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NOT BELONG TO COMYNS, STOPPED PAYMENT THROUGH STATE  
BANK OF INDIA. (NOTE: THIS COULD BE CHECKED BY TELE-  
PHONING BENEDICTUS.)

7. SYED, BJMC, NOTED THAT UNTIL NOW BANGLADESH HAD  
BEEN VIRTUAL SOLE SUPPLIER OF JUTE GOODS TO SYRIA AND  
THAT, IN DECADES OF DEALING IN JUTE WITH US FIRMS, NO  
US FIRM HAD EVER BEHAVED LIKE THIS. US IS BIGGEST MARKET

FOR JUKTE GOODS AND LARGEST NUMBER OF BUYERS ARE US FIRMS. THIS EPISODE, IN SYED'S VIEW, COULD CAUSE QUOTE INCALCULABLE DAMAGE END QUOTE TO BANGLADESH REPUTATION WITH SPECIFIC RISK OF LOSS OF SYRIAN AND SUDAN MARKETS.

SUDAN BUYERS QUOTE SC

AMING END QUOTE FOR SHIPMENT.

SYED NOTED HE HESITATING TO AUTHORIZE LOADING OF WHOLLY SEPARATE EMERALD SHIPMENT TO SYRIA IN LIGHT THIS PAST EXPERIENCE.

8. BJMC WOULD LIKE TO LEARN FROM COMYNS:

A. WHY SUDAN-BOUND GOODS NOT OFFLOADED AT PORT SUDAN;

B. WOULD COMYNS SUPPLY COPIES OF DOCUMENTS USED IN ATTEMPT SELL GOODS TO SETHIA?

9. GARRITY WOULD WISH ASK COMYNS FOLLOWING QUESTIONS--

A. WHERE DID COMYNS OBTAIN TARPAULINS, AND DOCUMENTS PERTAINING TO THEIR SALE?

B. WHERE DID COMYNS GET DOCUMENTS WHICH HE USED TO SELL GOODS OFFLOADED PIRAEUS TO SETHIA?

C. WHY DIDN'T COMYNS INSTRUCT ERINE PATERA STOP AT PORT SUDAN, OFFLOAD CARGO, AND HOLD CARGO IN BOND AS SURETY AGAINST FULL PAYMENT FREIGHT CHARGES JN IN LINE ACCEPTED MARINE PRACTICE, IF IN FACT FREIGHT PAYMENT WAS AT ISSUE? (NOTE: GARRITY SAID HE HOLDING \$66,000 IN FREIGHT PAYMENTS AGAINST GARRITY'S SHARE OF WHAT HAD BEEN EXPECTED AS PROFIT OF CHARTERING ERINE PATERA IN ACCORDANCE

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ORIGINAL JOINT VENTURE AGREEMENT WITH COMYNS. THAT AGREEMENT, ACCORDING GARRITY, PROVIDED THAT EMERALD WOULD RECEIVE SEVENTY PERCENT OF ADDITIONAL CARGO REVENUE AND COMYNS THIRTY PERCENT WITH COMYNS BROTHERS COVERING ALL CHARTER COSTS FROM ORIGINAL L/C FUNDS DISBURSED. GARRITY HAD BEEN WAITING FOR AN ACCOUNTING OF CHARTER COSTS.)

10. COMMENT/ACTION REQUESTED: IT WOULD APPEAR TO BE IN INTEREST OF ALL CONCERNED TO MOVE CARGO TO DESTINATIONS. WITH BOTH US PARTIES' SENDING REPRESENTATIVES TO GREECE, EMBASSY ATHENS MIGHT ALLAY CONCERNS, AT THIS END AT LEAST, BY PROVIDING UPDATED REPORT ON CARGO CONDITION AND SITUATION AT PIRAEUS. WE WOULD BE PLEASED TO PASS TO BJMC AND GARRITY HERE ANY FURTHER RELEVANT INFORMA-

TION OR COMMENT FROM COMYNS WHICH USDOC MIGHT  
OBTAIN.  
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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 15 DEC 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** n/a  
**Disposition Approved on Date:**  
**Disposition Authority:** n/a  
**Disposition Case Number:** n/a  
**Disposition Comment:**  
**Disposition Date:** 01 JAN 1960  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1976DACCA06322  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D760461-0515  
**From:** DACCA  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1976/newtext/t19761242/aaaabjxe.tel  
**Line Count:** 172  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** UNCLASSIFIED  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 4  
**Previous Channel Indicators:** n/a  
**Previous Classification:** n/a  
**Previous Handling Restrictions:** n/a  
**Reference:** 76 DAMASCUS 8347, 76 DACCA 5530  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** schwenja  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 15 JUN 2004  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <15 JUN 2004 by hattaycs>; APPROVED <23 AUG 2004 by schwenja>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
04 MAY 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** MISADVENTURES OF JAMES COMYNS (CONTINUED)  
**TAGS:** BDIS, BG, SY, US, (COMYNS, JAMES)  
**To:** COM  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006